



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,083	09/09/2003	Simon Delagrave	20446-002001 / BTS0001-10	2730
26161	7590	04/12/2007	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			STEELE, AMBER D	
			ART UNIT	PAPER NUMBER
			1639	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
30 DAYS		04/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO. 10659083	FILING DATE 9/9/2003	FIRST NAMED INVENTOR DELAGRAVE, SIMON	ATTORNEY DOCKET NO. 20446-002001 / BTS0001-10
------------------------------------	--------------------------------	---	---

EXAMINER

Amber D.. Steele

ART UNIT PAPER

1639 20070406

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

- 1) The amendment filed on 1/16/07 amending claim 1 (Group I), canceling claims 3-12 (Group I), and adding new claims 51-60 is non-responsive (MPEP § 821.03). The amendment to claim 1 incorporating method steps 1-5 reads on previous Group V (canceled claim 30), thus claims 1-2, 51-54 (new), and 59-60 (new) now read on nonelected Group V. Claims 55-58 (new) read on nonelected Group III. Therefore, the remaining claims are not readable on the elected invention because the claims which received an Office action on the merits were drawn to a method of counteracting the development of resistance in a parent target to a parent neutralizing agent. The present claims are drawn to methods of producing improved neutralizing agents. The present specification (pg. 8) states: "resistance can be measured using...neutralizing assays". Thus, one of skill in the art would expect a "method of counteracting the development of resistance in a parent target to a parent neutralizing agent" to comprise some method steps resulting in performing a neutralizing assay (e.g. measuring for a infectivity, activity, etc.) which the present claims lack. The Restriction Requirement mailed on 3/22/06 indicated Group I is a "process of using" (see D and F) and not a "process of making".
- 2) Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.
- 3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber Steele (571-272-5538). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Schultz, can be reached at 571-272-0763. The fax number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). ADS April 6, 2007